



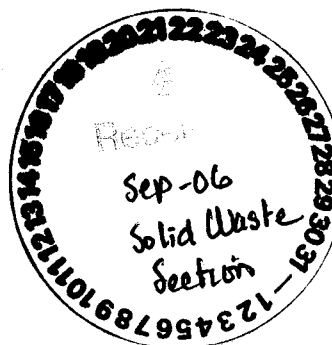
1869
CITY OF MEDICINE

CITY OF DURHAM

DEPARTMENT OF SOLID WASTE MANAGEMENT
1833 CAMDEN AVENUE • DURHAM, NC 27704
919.560.4185 • fax 919.560.4647
www.ci.durham.nc.us

Mailing Address:
101 CITY HALL PLAZA • DURHAM, NC 27701

- ☐ Administration
- ☐ Residential Collections
- ☐ Stationary Container Collections
- ☐ Waste Reduction Services
- ☐ Yard Waste Collections
- ☐ Impact Team
- ☐ Transfer Station



September 15, 2006

Mary Whaley
Waste Management Specialist
Solid Waste Section
Regional Representative

Re: Response to Notice of Intent to Issue Compliance Order with Administrative Penalty for the City of Durham Yard Waste Compost Facility, Permit No. 32-04 SWC, issued September 12, 2006

Dear Ms. Whaley:

This letter constitutes the response by the City of Durham (City) required within ten (10) days of receipt of the Notice of Intent to Issue Compliance Order with Administrative Penalty for the City of Durham Yard Waste Compost Facility, Permit No. 32-04 SWC. The City received the Notice of Intent on Thursday, September 14, 2006. As required, this response states the City's full intentions and plan of action, including a schedule of milestones, regarding compliance and remediation at the Yard Waste Compost Facility (facility). We appreciate the opportunity to provide this response and to come into compliance in cooperation with the NCDENR Division of Solid Waste Management.

Facility Fire

As you know, a large pile of brush at the facility has been burning since Sunday, September 10. The pile is labeled Pile I on the attached facility map, dated July 25, 2006. We have taken the following steps in response to the fire:

1. We immediately created a fire break around the Pile I perimeter to the fullest extent possible. Pile G, a compost pile, is now completely separated from Pile I. Pile M, also a compost pile, is being separated as the Pile I perimeter recedes and cools.
2. The City of Durham Fire Department is continuously monitoring the fire. In addition, the FD applied 37,000 gallons of water to the pile on Monday, September 11.

3. We are working with state officials to monitor the fire and assess and address any health risks. Representatives from Forest Resources and Air Quality are providing information and advice, and Forest Resources visited the site for the third time on Friday, September 15.

4. On Monday, September 18, we are scheduled to meet with a private contractor with expertise in extinguishing fires of this nature.

5. Our grinding contractor, King and Martin, is grinding and removing material adjacent to Pile I so that the burning material can be spread out and extinguished. Within the next week, King and Martin will remove Piles L, K, J, and H. They will spread Pile I as space becomes available.

Remediation

We have initiated the process of removing all stockpiled material to a facility permitted to receive the waste. King and Martin are under contract to grind all raw material and to remove all material, mulch, compost, and topsoil, from the facility and transport it to a facility permitted to receive it. Currently, they are transporting the material to Key Properties, 2380 Sandy Cross Road, Burlington, Alamance County, which operates pursuant to a Land Clearing and Inert Debris landfill notification approved by DENR on January 14, 2000. Ongoing remediation is scheduled as follows:

1. By approximately September 22, King and Martin will grind and remove Piles L, K, J, and H. They will simultaneously start to remove Piles A and B, as well as other mulch piles adjacent to those not noted on the map. They will also spread and work to extinguish the fire in Pile I.

2. By approximately September 29, King and Martin will grind and remove Pile C. They will simultaneously continue removing mulch in the area of Piles A and B and working to extinguish Pile I if necessary.

3. By approximately October 13, King and Martin will remove Piles D, E, F, G, O, N, and M.

4. Following removal of the piles, King and Martin will proceed with excavating and removing all buried material as fast as possible. Upon removal, we believe that remediation will be complete.

Compliance

We plan to meet with staff from the Division of Solid Waste Management next week, the week of September 18, to discuss permitting. In the meantime, we will meet with Paul Spire, Orange County Landfill Manager, to discuss optimal yard waste facility operations. We are currently reassessing our operation, considering whether to produce

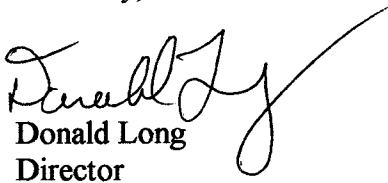
compost or simply mulch, and will seek advice from Division staff, Mr. Spire, and other experts in the field.

Within the next two to three weeks we will decide which type of operation to pursue and initiate the permit application process. We will take into advisement all information previously provided by the Division in correspondence and enforcement documents as well as current information.

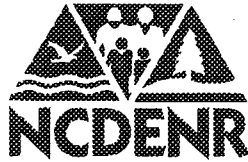
Until a permit is obtained, we propose receiving only material at our facility that we can grind and remove that same day. We will not stockpile material. Any material that we cannot remove that same day will be disposed of at a facility authorized by DENR to receive it.

In conclusion, we appreciate your review of this information and hope that you will hold the pending enforcement action in abeyance. We understand the need to remediate and come into compliance as quickly as possible, and we will devote all necessary resources to achieving that goal. Please do not hesitate to contact us if you have questions regarding this information or find it unsatisfactory in any way. Again, we truly appreciate your assistance and the opportunity to work in cooperation with the NCDENR Division of Waste Management.

Sincerely,


Donald Long
Director

cc: Mark Poindexter, Field Operations Branch Head
John Crowder, Eastern District Supervisor
Amy Annechino, Compliance Officer
Dennis Shackelford, Waste Management Specialist
Patrick Baker, Durham City Manager
Ted Voorhees, Durham Deputy City Manager



North Carolina Department of Environment and Natural Resources

Dexter R. Matthews, Director

Division of Waste Management

Michael F. Easley, Governor

William G. Ross Jr., Secretary

Raleigh Central Office

DIVISION OF SOLID WASTE MANAGEMENT

September 14, 2006

CERTIFIED MAIL- 7005 1820 0003 4169 5054
RETURN RECEIPT REQUESTED

Roosevelt Carter, Waste Disposal and Recycling Manager
City of Durham Yard Waste Compost Facility
1833 Camden Avenue
Durham, North Carolina 27704

**RE: NOTICE OF INTENT TO ISSUE COMPLIANCE ORDER WITH ADMINISTRATIVE
PENALTY FOR THE CITY OF DURHAM YARD WASTE COMPOST FACILITY, PERMIT
NO. 32-04 SWC**

Dear Mr. Roosevelt:

You are hereby informed of the N.C. Division of Waste Management's intention to issue a Compliance Order with Administrative Penalty against you for certain violations of the North Carolina Solid Waste Management Act, N.C.G.S. 130A, Article 9 (Act) and the North Carolina Solid Waste Management Rules, 15A Admin. Code 13 B (Rules).

Be advised that pursuant to N.C.G.S. 13A-22(a) and 15A NC Admin. Code 13B, Sections .0701-.0707, an administrative penalty of up to \$5,000.00 per day of violation may be assessed for each violation of the Solid Waste Law or Regulations.

Specific Violations:

NCAC 13B .0201 (a) states that "No person shall establish or allow to be established on his land, a solid waste management facility, or otherwise treat, store, or dispose of solid waste unless a permit for the facility has been obtained from the division." A Notice of Violation, cited on the June 1, 2006 Audit of the City of Durham Yard Waste and Compost Facility, was sent to the City of Durham and was received by you or your representative on June 26, 2006. The Notice of Violation on that audit is as follows:

NCAC 13B .0201 (a) states that "No person shall establish or allow to be established on his land, a solid waste management facility, or otherwise treat, store, or dispose of solid waste unless a permit for the facility has been obtained from the division." Submit within 30 days of the receipt of this Notice of Violation an application to extend the permit or close the facility. Permit correspondence should be mailed to Mr. Ted Lyon, Composting and Land Application Branch Supervisor, Solid Waste Section, Division of Waste Management, 1646 Mail Service Center, Raleigh, NC 27699-1646 with a correspondence copy to me.

The permit for this facility expired on July 7, 2004. Mr. Ted Lyon, denied your application to extend the permit for this facility on August 21, 2006. Mr. Lyon's letter is attached to this notice. As of the date of this notice dumping is continuing at the site without a permit.

Requirement: The following actions are needed to bring this site into compliance and avoid the assessment of an administrative penalty.

1. Cease accepting waste at the facility and begin disposing the debris at a facility permitted to receive the waste.
2. Secure a valid permit from the Division of Waste Management or remove all stockpiled material to a facility permitted to receive the waste.

Any pending enforcement action may be held in abeyance, if, within ten (10) days of receipt of the Notice, you contact Mary Whaley at (919)-508-8523 and state your full intentions and plan of action, including a schedule with milestones, regarding compliance and remediation at this site. Otherwise the enforcement action indicated will be initiated against the City of Durham by the agency. If anything in this notice is unclear, please contact John Crowder at (910)-796-7405 or me at 919 508 8523.

Sincerely,



Mary Whaley
Waste Management Specialist
Solid Waste Section
Regional Representative

Cc: Mark Poindexter, Field Operations Branch Head
John Crowder, Eastern District Supervisor
Amy Annechino, Compliance Officer
Dennis Shackelford, Waste Management Specialist

Patrick Baker, City Manager
City of Durham
101 City Hall Plaza
Durham, North Carolina 27701

the occurrence.

WHAT WAS THE CAUSE OF THE FIRE: Spontaneous combustion.

Revised 6/29/01

State of North Carolina

Department of Environment and Natural Resources

Division of Waste Management

REVISED 8/15/06

SOLID WASTE COMPOST FACILITY

ANNUAL REPORT

FOR THE PERIOD OF JULY 1, 2005- JUNE 30, 2006

OK
MBW
8-31-06

DURHAM COMPOST FACILITY
101 CITY HALL PLAZA
DURHAM, NC 27701
Attn: ROOSEVELT CARTER

Permit: 3204 Id: P0418

Phone: 919-560-4381
Fax: 919-560-4479

If you have questions or require assistance in completing this report, contact your Regional Waste Management Specialist. According to (G.S. 130A-309D(b)) completed forms must be returned by August 1, 2006 and a copy of this report must be sent to the County Manager of each county from which waste was received.. Please mail reports to your Regional Waste Management Specialist listed below.

Mary Whaley
1646 Mail Service Center
Raleigh, NC 27699-1646 (919) 508-8400

Tipping Fee \$ 24.00 /Ton (Attach a schedule of tipping fees if appropriate.)

GS 130A-309D(b) states that on or before 1 August, the owner of a privately owned solid waste management facility shall report to the Department, for the previous year beginning 1 July and ending 30 June, the amount of the weight of solid waste that was received at the facility.

1. Indicate waste received for composting at this facility during the period of July 1, 2005 through June 30, 2006 by county of origin.

MONTH	TONS FROM DURHAM COUNTY	TONS FROM COUNTY	TONS FROM COUNTY	TOTAL
July	1,223.45			1,223.45
August	1,336.32			1,336.32
September	1,110.48			1,110.48
October	969.21			969.21
November	1,098.85			1,098.85
December	1,265.42			1,265.42
January	1,199.98			1,199.98
February	775.15			775.15
March	1,181.89			1,181.89
April	1,450.32			1,450.32
May	1,470.02			1,470.02
June	1,275.76			1,275.76
TOTAL	13,120.36			13,120.36

(Photocopy the Table and use when waste is received from more than three counties.)

2. What type and quantity of waste was composted by your facility?

<u>Materials COMPOSTED</u>	<u>Tons</u>
All yard waste collected thru	
June 30, 2006	
Yard Waste	9,363
Pallets	182
TOTAL	9,545

3. What type and quantity of compost was produced by your facility?

<u>Type of Compost</u> <u>PRODUCED by Product Classification</u>	<u>Tons</u>
MULCH	9,545
Total	9,545

4. What type and quantity of Compost was removed or disposed by your facility?

<u>Type of Compost</u> <u>REMOVED or DISPOSED by Product Classification</u>	<u>Tons</u> CUBIC YARDS
All product classifications, e.g.,	10,155 cubic yards sold
mulch, compost, topsoil, etc.	
Total	10,155 cubic yards sold

5. How was the final product ultimately used? If the final product had multiple uses, please indicate approximate percentages of each. All earth products sold to home owners and commerical buyers for their needs. Percentages not available.

6. Please also attach results of monthly temperature monitoring for the period of July 1, 2005 thru June 30, 2006.

UNAVAILABLE

***7. Please report the longitude and latitude of your facility.

Longitude 32.02645 (Decimal Degrees) Latitude 78.85756 (Decimal Degrees)

Indicate Method of collection GPS (GPS, internet, survey etc.)

Please record and report the coordinates of the scale house if one is located at your facility. If your facility does not have a scale house please take a reading in the center of the entrance road. If you have any questions or concerns regarding the reporting of these coordinates please contact your **Waste Management Specialist** listed on the front of this report.

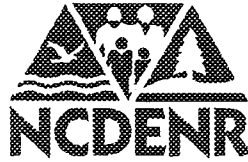
***** According to (G.S. 130A-309D(b))**

This report must be sent to the Regional Waste Management Specialist for your area and a copy of this report must be sent to the County Manager of each county from which waste was received.

CERTIFICATION: I certify that the information provided is an accurate representation of the activity at this facility.

Signature: [Signature] Date: July 14, 2006

Name Roosevelt Phone (919) 560-4186 *****Email roosevelt.carter@durhamnc.gov
address: Carter 101 City Hall Plaza Durham, NC 27701
(Print legibly)



North Carolina Department of Environment and Natural Resources

Dexter R. Matthews, Director

Division of Waste Management

Michael F. Easley, Governor

William G. Ross Jr., Secretary

Raleigh Central Office

DIVISION OF SOLID WASTE MANAGEMENT

September 12, 2006

CERTIFIED MAIL- 7005 1820 0003 4169 5030
RETURN RECEIPT REQUESTED

Roosevelt Carter, Waste Disposal and Recycling Manager
City of Durham Yard Waste Compost Facility
1833 Camden Avenue
Durham, North Carolina 27704

**RE: NOTICE OF INTENT TO ISSUE COMPLIANCE ORDER WITH ADMINISTRATIVE
PENALTY FOR THE CITY OF DURHAM YARD WASTE COMPOST FACILITY, PERMIT
NO. 32-04 SWC**

Dear Mr. Roosevelt:

You are hereby informed of the N.C. Division of Waste Management's intention to issue a Compliance Order with Administrative Penalty against you for certain violations of the North Carolina Solid Waste Management Act, N.C.G.S. 130A, Article 9 (Act) and the North Carolina Solid Waste Management Rules, 15A Admin. Code 13 B (Rules).

Be advised that pursuant to N.C.G.S. 13A-22(a) and 15A NC Admin. Code 13B, Sections .0701-.0707, an administrative penalty of up to \$5,000.00 per day of violation may be assessed for each violation of the Solid Waste Law or Regulations.

Specific Violations:

NCAC 13B .0201 (a) states that "No person shall establish or allow to be established on his land, a solid waste management facility, or otherwise treat, store, or dispose of solid waste unless a permit for the facility has been obtained from the division." A Notice of Violation, cited on the June 1, 2006 Audit of the City of Durham Yard Waste and Compost Facility, was sent to the City of Durham and was received by you or your representative on June 26, 2006. The Notice of Violation on that audit is as follows:

NCAC 13B .0201 (a) states that "No person shall establish or allow to be established on his land, a solid waste management facility, or otherwise treat, store, or dispose of solid waste unless a permit for the facility has been obtained from the division." Submit within 30 days of the receipt of this Notice of Violation an application to extend the permit or close the facility. Permit correspondence should be mailed to Mr. Ted Lyon, Composting and Land Application Branch Supervisor, Solid Waste Section, Division of Waste Management, 1646 Mail Service Center, Raleigh, NC 27699-1646 with a correspondence copy to me.

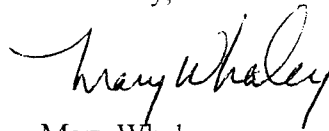
The permit for this facility expired on November 26, 1996. Mr. Ted Lyon, denied your application to extend the permit for this facility. Mr. Lyon's letter is attached to this notice. As of the date of this notice dumping is continuing at the site without a permit.

Requirement: The following actions are needed to bring this site into compliance and avoid the assessment of an administrative penalty.

1. Cease accepting waste at the facility and begin disposing the debris at a facility permitted to receive the waste.
2. Secure a valid permit from the Division of Waste Management or remove all stockpiled material to a facility permitted to receive the waste.

Any pending enforcement action may be held in abeyance, if, within ten (10) days of receipt of the Notice, you contact Mary Whaley at (919)-508-8523 and state your full intentions and plan of action, including a schedule with milestones, regarding compliance and remediation at this site. Otherwise the enforcement action indicated will be initiated against the City of Durham by the agency. If anything in this notice is unclear, please contact John Crowder at (910)-796-7405 or me at 919 508 8523.

Sincerely,



Mary Whaley
Waste Management Specialist
Solid Waste Section
Regional Representative

Cc: Mark Poindexter, Field Operations Branch Head
John Crowder, Eastern District Supervisor
Amy Annechino, Compliance Officer
Dennis Shackelford, Waste Management Specialist

Patrick Baker, City Manager
City of Durham
101 City Hall Plaza
Durham, North Carolina 27701



North Carolina Department of Environment and Natural Resources

Dexter R. Matthews, Director

Division of Waste Management

Michael F. Easley, Governor

William G. Ross Jr., Secretary

August 21, 2006

Mr. Roosevelt Carter
City of Durham
Department of Solid Waste Management
1833 Camden Avenue
Durham, North Carolina 27704

Dear Mr. Carter:

The Division of Waste Management, Solid Waste Section, has reviewed City of Durham's request for an extension of Solid Waste Permit number 32-04. In response to your request we have reviewed the history of the permitting process for this facility and found the following:

1. This facility was last permitted in July 1999.
2. Condition number 11, of the July 1999 permit, indicated that the permit would expire on July 7th, 2004.
3. The permit was allowed to expire on July 7th 2004.
4. On December 1, 2004 a letter was sent to you outlining issues that needed to be addressed in your permit application.
5. On July 6th, 2005 we received your response to our December 1, 2004 letter.
6. On July 21, 2005 Dennis Shackleford and I met with you at the facility. Numerous problems were noted to you then and were covered in a letter sent to you August 4, 2005.
7. On June 26th 2006 you received a NOV from the Solid Waste Section, indicating that an application must be submitted within 30 days.
8. On August 16, 2006 we received a fax from your office requesting a permit extension.

The Solid Waste Section does not feel it appropriate to extend your permit at this time. Our decision is based on the fact that you have already had in excess of two years to complete the application and the Solid Waste Compost Rules do not provide for an extension without a properly completed permit application.

Should you have any questions please feel free to contact me at 919-508-8508.

Sincerely,

A handwritten signature in black ink, appearing to read "Ted Lyon", written in a cursive style.

Ted Lyon, Supervisor
Composting & Land Application Branch

Cc: Mary Whaley, Waste Management Specialist, Raleigh Central Office
John Crowder, Eastern Regional Supervisor, Wilmington Regional Office
Central File

H/compost/permits/32-durham/City of Durham/SWC-32-04_Dur ext reg_08-06



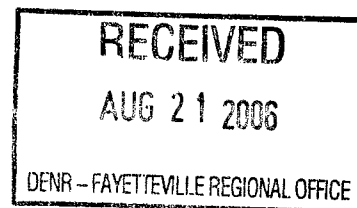
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August 16, 2006

Mr. Ted Lyon
Supervisor
Composting & Land Application Branch, NCDENR
1646 Mail Service Center
Raleigh, NC 27699-1646

Re: Request for Permit Extension - Solid Waste Compost Facility - Permit # SWC-32-04 - Durham County

The City of Durham is consulting with several engineering firms including "The Environmental Group of the Carolinas, Inc." (TEG) to assist in addressing concerns noted in your department's June 1, 2006 audit of the above facility. Specifically, the City instructed "TEG" to:

Take all necessary steps on the City's behalf to properly close the onsite well by August 31, 2006.

TEG has since investigated the "well site," pulled the casing, and found that what appeared to be a well is really a "catch basin" extending to a depth of 2 - 3 feet deep - well above the water table at this location. The bottom of the catch basin is original rock found on this site. TEG will submit a separate report to NC DENR on this finding;

Additionally, per a request from Mary Whaley, we have contacted the Durham County Health Department to verify with the Wells, Pools, and Septic Tanks section to verify that a permit for a well has never been requested by nor issued to the City of Durham for the Yard Waste Compost Facility.

The City's Solid Waste Management staff received authorization to expedite efforts to correct all regulatory issues. As such, staff expects to have designed/developed a site layout plan by November 16, 2006 that will:

- Establish permanent locations for receipt of yard waste from commercial and private vehicles;
- Establish required site setbacks and emergency and operational equipment access requirements;
- Establish and orient yard waste processing areas, i.e., yard waste grinding, proper storage in windrows, windrow orientation, compost temperature monitoring, and product turning.

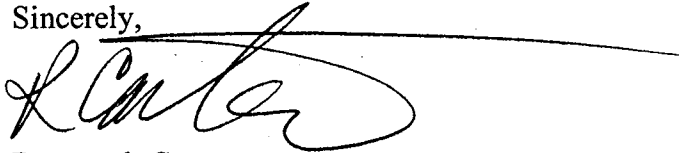
Mr. Ted Lyon, NC DENR
Request for Permit Extension SWC 32-04
August 16, 2006

The City of Durham, Solid Waste Management Department hereby requests extension of Permit # **SWC-32-04** for continued operation of the City's solid waste compost facility located at 2115 East Club Boulevard, Durham, NC. Enclosed, please find a preliminary proposal from The Environmental Group of the Carolinas, Inc. that addresses the above issues. The City's expectations are that its contractor will work directly with the NC DENR to assure all technical issues are properly addressed. The contractor will report in writing to the City as soon as practicable:

- The results of any and all meetings with NC DENR on the City's behalf;
- Any changes or modifications to the attached preliminary proposal recommended by NC DENR or negotiated on its behalf by the contractor;
- Recommended courses of action to follow to expeditiously address NC DENR concerns; and
- The cost implications of any and all contemplated or recommended courses of action.

Your expeditious response to the City of Durham's request to extend the above **Permit # SWC-32-04** is greatly appreciated. Should you have any questions or concerns please contact me at the above telephone number or email address.

Sincerely,



Roosevelt Carter
Waste Disposal & Recycling Manager
Ph: (919) 560-4186 Ext. 253
Roosevelt.Carter@durhamnc.gov

Attachments: (1) TEG Proposal for Yard Waste Composting Facility

CC: Donald Long, Solid Waste Management Director
Jonathan J. Pullin, The Environmental Group, Inc.
✓ Dennis Shackleford, NC DENR
Mary Whaley, NC DENR

August 4, 2006

Ms Anita Daniels
Solid Waste Management
1833 Camden Avenue
Durham, North Carolina 27701

Subject: **City of Durham
Proposal for Yard Waste Composting Facility
East Camden Avenue
Durham, North Carolina
TEG Proposal Number X-06-028**

Dear Ms. Daniels:

The management of the City of Durham Office of Solid Waste Management has requested The Environmental Group of the Carolinas, Inc. (TEG) provide technical assistance in the proposed redevelopment of the site design for the Yard Waste Composting Facility. The City of Durham took over the direct operation of the facility in the spring of 2005. The facility encompasses 32-acres of land, and its terrain includes outcroppings of sand rock, drainage ditches, and low-lying areas.

Background:

The City of Durham Yard Waste Composting Facility receives between 12,000 and 20,000 tons of yard debris per year. This material is delivered to the site by commercial, private and contractor vehicles. Next, the material is ground into mulch by a private contractor and processed as compost, topsoil or used as mulch. These materials are marketed as being either for sale, for utilization by the local government or promoted as "give aways" to Durham residents at various times during the calendar year.

Estimated products sales average 19% of total incoming materials or approximately 3,000 tons per year. Consequently, about 85,000 tons for processed material presently remain at he Yard Waste Facility.

It is our understanding that prior to issuing a permit for the site, the NCDENR requires that the following concerns related to site be satisfactorily address:

- Proper Closure of an onsite well;
- Development of a Facility Layout Plan for the receipt of yard waste from commercial, private and contractor vehicles.

- Creation of sufficient space on the site to process material, such as turning windrows and monitoring of windrow temperatures.
- Development of a plan to mine, process and store this material onsite while awaiting sale;
- Development of an elevation plan to provide proper drainage for the site; including low-lying areas. Drainage should be conveyed either into a surface impoundment or existing creek. Water quality monitoring will be required as a part of permit compliance.
- The elevation plan should include a spreading an impervious surface material which will efficiently convey surface water to the predestined location and should eliminate the ponding of water at the windrows.
- The elevation plan should attempt to prevent flooding during heavy rain events.
- Refill mined areas with clean fill and maximize yard waste storage space.
- Delineate areas for sufficient storage of "products" for eventual sale or "give-away".

Proposed Scope of Services:

Based on our meeting at your office on July 6, 2006, site maps provided by Facility Management, and Mr. Roosevelt Carter's memo dated July 19, 2006, TEG proposes the following:

TEG has organized this proposed scope of services into one phase with three tasks for purposes of describing the work to be accomplished. The tasks are:

Phase I: Proposed Plan for Yard Waste Facility Layout and Design

- Task 1: Site Visits/Conferences with NCDENR and City of Durham
- Task 2: Location of Monitoring Wells - hi. water table
- Task 3: Preliminary Design of Facility Layout Map

The services proposed for each task are detailed in the following paragraphs.

Phase I: Proposed Plan for Yard Waste Facility Layout and Design

Task 1 – Site Visit/Conference with NCDENR and City of Durham:

Site Visits:

1. TEG plans to visit the Yard Waste Composting Facility at least once. During this visit, we will assess the entire site operational process (including the receipt of yard waste material from commercial, private and contractor vehicles), interview staff and take pictures. Review existing layout to determine the proper drainage for both the site and low-lying areas. Assessment of the location of a nearby creek or

development of a surface impoundment for the containment of surface water. Discussion of impervious surface material(s) to be used as base material for the site.

Conferences:

2. TEG expects a minimum of one conference with the regulators (Mr. Dennis Shackelford and/or Ms. Mary Whaley) and one conference with the Yard Waste Facility Management. These early meetings will be used to discuss development of the items above. Also, these meetings will be used to determine the mining, storage and refilling should process. Due to probable calendar conflicts or timing issues, we propose that these conferences maybe either teleconferences or physical meetings at specified locales.

Task 2 –: Location of Monitoring Wells:

3. TEG will layout the location of the installation of three temporary monitoring wells. These will be used to determine the groundwater table, so that the composting surface is located at the required height above the area's water table.

Task 3 –: Preliminary Design of Facility Layout Map:

4. TEG will provide a Preliminary Facility Layout Map giving careful consideration to buffer zones and others siting restrictions. Base maps are to be provided by the City of Durham. Our map layout will show staging area, buffer zones (marked on the plan), windrows, curing, screening, finished product areas and storage of products for eventual sale.

Fees Basis:

TEG lump sum fees for these services are \$5,500.00. This fee does not include our actual observation, direction or management of the above items to include, but not limited to closure of the onsite monitoring well, grading, mining the "spongy" materials, professionally survey with appropriate elevations, creation of windrows, procuring of fill soil, spreading of fill soil, spreading of the impervious base material (i.e.; clay, bentonite, concrete or asphalt). This fee does not include completion of the permit application nor managing the application process with NCDENR. The City of Durham will provide the required maps to TEG as both hard copies and on CD.

Authorization

As our written authorization, please execute and return one copy of the enclosed Proposal Acceptance Sheet. Any exceptions to this proposal or special requirements not covered in the proposal should be listed on the attached Proposal Acceptance Sheet. Please note our attached Terms and Conditions are a part of this Proposal.

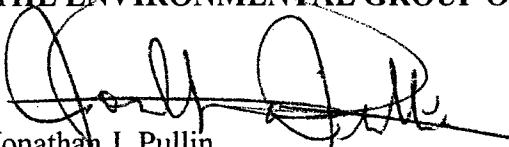
Closing

TEG appreciates the opportunity to offer our professional environmental services to the City of Durham Yard Waste Facility on this project.

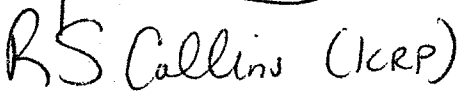
We will be available to discuss the contents of this proposal at your convenience.

Sincerely,

THE ENVIRONMENTAL GROUP OF THE CAROLINAS, INC.



Jonathan J. Pullin
Principal Environmental Scientist



Raymond S. Collins, P.E.
Senior Environmental Engineer

JJP:krp



FACILITY COMPLIANCE AUDIT REPORT
Division of Waste Management
Solid Waste Section

UNIT TYPE:

Lined MSWLF		LCID		YW		Transfer		Compost	X	SLAS		COUNTY: Durham PERMIT NO.: 32- 04 SWC FILE TYPE: COMPLIANCE
Closed MSWLF		HHW		White goods		Incin		T&P	X	FIRM		
CDLF		Tire T&P / Collection		Tire Monofill		Industrial Landfill		DEMO		SDTF		

Date of Audit: August 8, 2006Date of Last Audit: June 1, 2006**FACILITY NAME AND ADDRESS:**

City of Durham Yard Waste Compost Facility
2115 E. Club Boulevard
Durham, North Carolina 27704

GPS COORDINATES: N: 32.02645 W: 78.85756**FACILITY CONTACT NAME AND PHONE NUMBER:**

Roosevelt Carter, Waste Disposal & Recycling Manager
(919)-560-4186

FACILITY CONTACT ADDRESS:

Roosevelt Carter, Waste Disposal & Recycling Manager
City of Durham
1833 Camden Avenue
Durham, North Carolina 27704

AUDIT PARTICIPANTS:

Dennis E. Shackelford, NCDENR - Solid Waste Section
Bill Patrakis, NCDENR - Solid Waste Section
Mary Whaley, NCDENR- Solid Waste Section
Roosevelt Carter, Waste Disposal & Recycling Manager

STATUS OF PERMIT:

Permit expired July 7, 2004

PURPOSE OF AUDIT:

Follow Up Partial Audit

NOTICE OF VIOLATION:

None this audit.

You are hereby advised that, pursuant to N.C.G.S. 130A-22, an administrative penalty of up to \$5,000 per day may be assessed for each violation of the Solid Waste Statute or Regulations. If the violation(s) noted here continue, you may be subject to enforcement actions including penalties, injunction from operation of a solid waste management facility or a solid waste collection service and any such further relief as may be necessary to achieve compliance with the North Carolina Solid Waste Management Act and Rules.

STATUS OF PAST NOTED VIOLATIONS:

NCAC 13B .0201 (a)- **Unresolved**

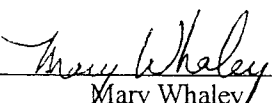
FACILITY COMPLIANCE AUDIT REPORT
Division of Waste Management
Solid Waste Section

Page 2 of 2

OTHER COMMENTS /CONCERNS:

1. The Notice of Violation issued as a result of the June 1, 2006 audit has not been resolved. Corrective actions need to be underway.
2. The grindings that were spread out along the back portion of the facility have not been removed.
3. Documentation that would indicate that the well was properly closed needs to be provided.
4. Markers still need to be installed that would indicate the facility boundaries to establish the buffer zones.
5. Efforts to obtain voluntary compliance have failed. Enforcement actions are being pursued.
6. I recommend that the efforts to secure a permit and gain compliance at the site be completed as soon as possible.

Please contact me if you have any questions or concerns regarding this audit report.


Mary Whaley
Waste Management Specialist
Solid Waste Section
Regional Representative

Phone: (919)-508-8523

Delivered on: <u>September 6, 2006</u> by		Hand delivery	<input checked="" type="checkbox"/>	US Mail		Certified No.
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Cc: Mark Poindexter, Field Operations Branch Head
John Crowder, Eastern District Supervisor
Ted Lyon, Composting and Land Application Branch Supervisor
Dennis Shackelford, Waste Management Specialist

Patrick Baker, City Manager
City of Durham
101 City Hall Plaza
Durham, North Carolina 27701

August 4, 2006

Ms Anita Daniels
Solid Waste Management
1833 Camden Avenue
Durham, North Carolina 27701

Subject: **City of Durham
Proposal for Yard Waste Composting Facility
East Camden Avenue
Durham, North Carolina
TEG Proposal Number X-06-028**

Dear Ms. Daniels:

The management of the City of Durham Office of Solid Waste Management has requested The Environmental Group of the Carolinas, Inc. (TEG) provide technical assistance in the proposed redevelopment of the site design for the Yard Waste Composting Facility. The City of Durham took over the direct operation of the facility in the spring of 2005. The facility encompasses 32-acres of land, and its terrain includes outcroppings of sand rock, drainage ditches, and low-lying areas.

Background:

The City of Durham Yard Waste Composting Facility receives between 12,000 and 20,000 tons of yard debris per year. This material is delivered to the site by commercial, private and contractor vehicles. Next, the material is ground into mulch by a private contractor and processed as compost, topsoil or used as mulch. These materials are marketed as being either for sale, for utilization by the local government or promoted as "give aways" to Durham residents at various times during the calendar year.

Estimated products sales average 19% of total incoming materials or approximately 3,000 tons per year. Consequently, about 85,000 tons for processed material presently remain at the Yard Waste Facility.

It is our understanding that prior to issuing a permit for the site, the NCDENR requires that the following concerns related to site be satisfactorily address:

- Proper Closure of an onsite well;
- Development of a Facility Layout Plan for the receipt of yard waste from commercial, private and contractor vehicles.

- Creation of sufficient space on the site to process material, such as turning windrows and monitoring of windrow temperatures.
- Development of a plan to mine, process and store this material onsite while awaiting sale;
- Development of an elevation plan to provide proper drainage for the site; including low-lying areas. Drainage should be conveyed either into a surface impoundment or existing creek. Water quality monitoring will be required as a part of permit compliance.
- The elevation plan should include a spreading an impervious surface material which will efficiently convey surface water to the predestined location and should eliminate the ponding of water at the windrows.
- The elevation plan should attempt to prevent flooding during heavy rain events.
- Refill mined areas with clean fill and maximize yard waste storage space.
- Delineate areas for sufficient storage of "products" for eventual sale or "give-away".

Proposed Scope of Services:

Based on our meeting at your office on July 6, 2006, site maps provided by Facility Management, and Mr. Roosevelt Carter's memo dated July 19, 2006, TEG proposes the following:

TEG has organized this proposed scope of services into one phase with three tasks for purposes of describing the work to be accomplished. The tasks are:

Phase I: Proposed Plan for Yard Waste Facility Layout and Design

- Task 1: Site Visits/Conferences with NCDENR and City of Durham
- Task 2: Location of Monitoring Wells - hi: water ✓ table
- Task 3: Preliminary Design of Facility Layout Map

The services proposed for each task are detailed in the following paragraphs.

Phase I: Proposed Plan for Yard Waste Facility Layout and Design

Task 1 – Site Visit/Conference with NCDENR and City of Durham:

Site Visits:

1. TEG plans to visit the Yard Waste Composting Facility at least once. During this visit, we will assess the entire site operational process (including the receipt of yard waste material from commercial, private and contractor vehicles), interview staff and take pictures. Review existing layout to determine the proper drainage for both the site and low-lying areas. Assessment of the location of a nearby creek or

development of a surface impoundment for the containment of surface water. Discussion of impervious surface material(s) to be used as base material for the site.

Conferences:

2. TEG expects a minimum of one conference with the regulators (Mr. Dennis Shackelford and/or Ms. Mary Whaley) and one conference with the Yard Waste Facility Management. These early meetings will be used to discuss development of the items above. Also, these meetings will be used to determine the mining, storage and refilling should process. Due to probable calendar conflicts or timing issues, we propose that these conferences maybe either teleconferences or physical meetings at specified locales.

Task 2 --: Location of Monitoring Wells:

3. TEG will layout the location of the installation of three temporary monitoring wells. These will be used to determine the groundwater table, so that the composting surface is located at the required height above the area's water table.

Task 3 --: Preliminary Design of Facility Layout Map:

4. TEG will provide a Preliminary Facility Layout Map giving careful consideration to buffer zones and others siting restrictions. Base maps are to be provided by the City of Durham. Our map layout will show staging area, buffer zones (marked on the plan), windrows, curing, screening, finished product areas and storage of products for eventual sale.

Fees Basis:

TEG lump sum fees for these services are \$5,500.00. This fee does not include our actual observation, direction or management of the above items to include, but not limited to closure of the onsite monitoring well, grading, mining the "spongy" materials, professionally survey with appropriate elevations, creation of windrows, procuring of fill soil, spreading of fill soil, spreading of the impervious base material (i.e.; clay, bentonite, concrete or asphalt). This fee does not include completion of the permit application nor managing the application process with NCDENR. The City of Durham will provide the required maps to TEG as both hard copies and on CD.

Authorization

As our written authorization, please execute and return one copy of the enclosed Proposal Acceptance Sheet. Any exceptions to this proposal or special requirements not covered in the proposal should be listed on the attached Proposal Acceptance Sheet. Please note our attached Terms and Conditions are a part of this Proposal.


Closing

TEG appreciates the opportunity to offer our professional environmental services to the City of Durham Yard Waste Facility on this project.

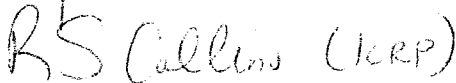
We will be available to discuss the contents of this proposal at your convenience.

Sincerely,

THE ENVIRONMENTAL GROUP OF THE CAROLINAS, INC.



Jonathan J. Pullin
Principal Environmental Scientist



Raymond S. Collins, P.E.
Senior Environmental Engineer

JJP:krp



revised 6/22/2006 4:25 PM

FACILITY COMPLIANCE AUDIT REPORT

Division of Waste Management

Solid Waste Section

UNIT TYPE:												
Lined MSWLF		LCID		YW		Transfer		Compost	<input checked="" type="checkbox"/>	SLAS		COUNTY: Durham PERMIT NO.: 32-04 SWC FILE TYPE: COMPLIANCE
Closed MSWLF		HHW		White goods		Incin		T&P	<input checked="" type="checkbox"/>	FIRM		
CDLF		Tire T&P / Collection		Tire Monofill		Industrial Landfill		DEMO		SDTF		

Date of Audit: June 1, 2006

Date of Last Audit: September 22, 2005

FACILITY NAME AND ADDRESS:

City of Durham Yard Waste Compost Facility
2115 E. Club Boulevard
Durham, North Carolina 27704

GPS COORDINATES: N: 32.02645 W: 78.85756

FACILITY CONTACT NAME AND PHONE NUMBER:

Roosevelt Carter, Waste Disposal & Recycling Manager
(919)-560-4186

FACILITY CONTACT ADDRESS:

Roosevelt Carter, Waste Disposal & Recycling Manager
City of Durham
1833 Camden Avenue
Durham, North Carolina 27704

AUDIT PARTICIPANTS:

Dennis E. Shackelford, NCDENR - Solid Waste Section
Bill Patrakis, NCDENR - Solid Waste Section
Anita Daniels, Operations & Evaluation Administrator
Roosevelt Carter, Waste Disposal & Recycling Manager

STATUS OF PERMIT:

Permit expired November 26, 1996

PURPOSE OF AUDIT:

Comprehensive Audit

SENDER: COMPLETE THIS SECTION <ul style="list-style-type: none">■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.■ Print your name and address on the reverse so that we can return the card to you.■ Attach this card to the back of the mailpiece, or on the front if space permits. <p>1. Article Addressed to: CITY OF DURHAM MR. ROOSEVELT CARTER, WASTE DISPOSAL & RECYCLING MGR. 1833 CAMDEN AVENUE DURHAM, NC 27704</p> <p>2. Article Number (Transfer from service label) 7001 2510 0003 8088 7929</p>	COMPLETE THIS SECTION ON DELIVERY <table style="width: 100%; border: none;"><tr><td style="width: 33%; vertical-align: top;">A. Signature <i>[Signature]</i></td><td style="width: 33%; vertical-align: top;">B. Received by (Printed Name) <i>Christina Smith</i></td><td style="width: 33%; vertical-align: top;">C. Date of Delivery <i>6-26-06</i></td></tr><tr><td colspan="3">D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, enter delivery address below:</td></tr></table> <p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	A. Signature <i>[Signature]</i>	B. Received by (Printed Name) <i>Christina Smith</i>	C. Date of Delivery <i>6-26-06</i>	D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, enter delivery address below:		
A. Signature <i>[Signature]</i>	B. Received by (Printed Name) <i>Christina Smith</i>	C. Date of Delivery <i>6-26-06</i>					
D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, enter delivery address below:							

102595-02-M-1540

NOTICE OF VIOLATION:

NCAC 13B .0201 (a) states that "No person shall establish or allow to be established on his land, a solid waste management facility, or otherwise treat, store, or dispose of solid waste unless a permit for the facility has been obtained from the division." **Submit within 30 days of the receipt of this Notice of Violation an application to extend the permit or close the facility. Permit correspondence should be mailed to Mr. Ted Lyon, Composting and Land Application Branch Supervisor, Solid Waste Section, Division of Waste Management, 1646 Mail Service Center, Raleigh, NC 27699-1646 with a correspondence copy to me.**

You are hereby advised that, pursuant to N.C.G.S. 130A-22, an administrative penalty of up to \$5,000 per day may be assessed for each violation of the Solid Waste Statute or Regulations. If the violation(s) noted here continue, you may be subject to enforcement actions including penalties, injunction from operation of a solid waste management facility or a solid waste collection service and any such further relief as may be necessary to achieve compliance with the North Carolina Solid Waste Management Act and Rules.

FACILITY COMPLIANCE AUDIT REPORT
Division of Waste Management
Solid Waste Section

Page 2 of 2

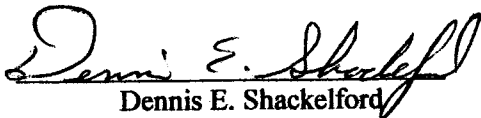
STATUS OF PAST NOTED VIOLATIONS:

None

OTHER COMMENTS /SUGGESTIONS:

1. The previous Audit noted a need for and gave a deadline for submittal of the permit information.
2. Corrective actions need to continue to remove grindings that were spread out along the back portion of the facility.
3. The well on the site needs to be closed. The well needs to be properly abandoned in accordance with the North Carolina Ground Water Well Construction standards in 2C. In addition, records indicating proper abandonment need to be provided.
4. There is a pile of street sweepings previously noted has been removed and properly disposed of.
5. Markers need to be installed that would indicate the facility boundaries to establish the buffer zones
6. Corrective actions need to be underway.

Please contact me if you have any questions or concerns regarding this audit report


Dennis E. Shackelford
Waste Management Specialist
Solid Waste Section
Regional Representative

Phone: (910)-433-3349

7001 2510 0003 8088 7929	
OFFICIAL USE	
Postage	\$ 39
Certified Fee	2.40
Return Receipt Fee (Endorsement Required)	1.85
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 4.64
Sent To: <i>Kearse H Carter, Inst Dispsl'd Recycling</i> Street, Apt. No. or PO Box No.: <i>1833 Camden Ave</i> City, State, ZIP+4: <i>Durham NC 27704</i> <small>PS Form 3800, January 2001 See Reverse for Instructions</small>	
Postmark Here	

Delivered on: <u>June 22, 2006</u> by	Hand delivery	US Mail	X	Certified No. 70012510000380887929
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Cc: Mark Poindexter, Field Operations Branch Head
John Crowder, Eastern District Supervisor
Ted Lyon, Composting and Land Application Branch Supervisor
Mary Whaley, Waste Management Specialist

Patrick Baker, City Manager
City of Durham
101 City Hall Plaza
Durham, North Carolina 27701